

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Scott Malcolm, et al.,

Plaintiffs,

Civil No. 07-3661 (RHK/AJB)

vs.

ORDER

CP Con, Inc., et al.,

Defendants.

Defendants have filed a Motion for Order Vacating Default Judgment¹ and scheduled a hearing with respect thereto on December 6, 2007. Plaintiffs shall serve and file a responsive memorandum thereto no later than December 10, 2007, and Defendants may reply thereto no later than December 14, 2007. The December 6, 2007, hearing on Plaintiffs' Motion and Defendants' Motion is **CANCELED** and counsel will be advised of a new hearing date if oral argument is deemed necessary.

Dated: December 3, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge

¹The “default” entered on September 7, 2007, was not a “default judgment,” but rather the Clerk’s entry of “default” pursuant to Rule 55(a).